A LETTER TO A FRIEND

ON THE SUBJECT OF

TITHE RENT-CHARGE,

WITH

A REPLY

TO

HENRY RUSSELL'S "OBSERVATIONS" ON SAID LETTER,

AND SOME

Additional Remarks on this subject.

BY THOMAS BEWLEY.

"PROVE ALL THINGS, HOLD FAST THAT WHICH IS GOOD."—1 Thess. v. 21.

DUBLIN:
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1857.

I had but a small number of the annexed letter printed, and circulated only about seventy copies amongst a limited number of personal friends, to whom I was desirous of making known my views: but Henry Russell having published a larger edition of his "Observations" in reply, and circulated it much more widely, I have latterly had many applications for copies of my letter, from parties who, having received the "Observations," were unable to understand them without first reading that to which they are intended to be a reply—I therefore print a second edition, and add to it some comments on Henry Russell's "Observations," and also some additional matter.

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A LETTER

ON THE SUBJECT OF

TITHE RENT-CHARGE.

My dear friend,

J—— W—— S——,

During the discussion which took place at the period of our last Yearly Meeting respecting Tithe Rent-charge, I was more than once invited by thee and others to explain my views more fully on the subject; but having failed to obtain an opportunity of doing so, in consequence of so many others being desirous of giving their sentiments, I take this means of stating them in as clear and concise a manner as I well can.

The question at issue I take to be this: Does not a distinct difference in principle exist between Tithe and Tithe Rent-charge? and may not the latter be freely paid by our members without involving a departure from the practical carrying out of our testimony against all payments for the support of an ecclesiastical system from which we dissent?

I believe the answer to both these questions, where the subject is fully and fairly investigated, will be found to be, Yes; and that consequently the non-payment of such a demand ought no longer be made a test of religious fellowship.

To prove these views correct we must first enquire, What were tithes to which our Society uniformly objected? John

Allen, in his able work, "State Churches," says, "Tithes "being the tenth part of the annual increase arising from the "land, from the stock, and the industry and skill of the peo- "ple, were either prædial, as of corn, grass, &c.; or mixed, as "wool, milk, pigs, &c.; or personal, as of manual occupations, "trades, fisheries, &c. The gross produce was tithed under "the first two heads, and the nett produce under the last." page 150. Jonathan Dymond, "Essays on Morality," says, "Tithes are a portion of the *produce only* of the land." page 522. Anthony Pearson in his "Great Case of Tithes"—the most masterly work on the subject by a member of our Society, and deservedly recognised as a standard authority, says the great question is, "*whether any person can have a property* "*in a tenth part of another man's increase called Tithes*": and in answering the argument that tithes are "the gift of "those who were formerly possessors of land," he says, "It "is true, when they were the owners of land, they might "themselves yield and set forth what part of their increase "they pleased, or might have given the tenth, or any other "part of their land, as they would, or *they might have charged* "*upon the land what rent they liked*: but they could no way "charge their posterity with that which was no way theirs, "nor which in any true sense or construction they could be "said to have any property in, and which is not paid by "reason of that which is derived from them; for tithe is nei- "ther paid of land, nor by reason of the land, but is paid by "reason of the increase of renewing,"—"nor will any man "allow that another person, by any gift of ancestors, can "have distinct property in the tenth part of the fruit of his "labours; and the case is the same as to all tithes, whether "prædial, personal, or mixed; if I sit still and plough not, no "corn will grow; if I sit still and work not, no profit will "arise; so that it is my labour, my diligence, my industry "that raiseth the tithe, and it is in my power to make it "more or less."—"Mine ancestor could not charge me

"with that which doth not accrue by reason of that which "I have from him; nor am I bound, because mine ancestor "left me land, to pay tithe, which is not paid by reason of "the land, but of the increase, unto which I am no more "tied by law, than he who hath increase without land. If "I have land and no increase, I pay no tithes; if I have in- "crease though no land, I ought by law to pay tithes. If I "husband my land, so that the increase of it is not to be sever- "ed, no tithe can be recovered of it." Tract No. 66, pp. 26, 27. He then proceeds to give numerous instances illustrative of these positions, and adds, "All these instances manifest "that tithe hath still relation to the stock and personal estate, "and not to the land; and is paid by reason of the stock, and "not of the land; and so no ancestor could lay and perpe- "tuate such a charge as tithe upon it, nor could he bind his "successors to it," adding, "*How is this like a rent-charge "certain?*" page 27. He then proceeds to quote the dicta of eminent lawyers to the same effect, and thus concludes: "And therefore tithe is not paid of land, nor by reason of "the land, *nor is it a charge upon the land, like a rent-* "*charge*," page 28. In page 29 he adds, "I have already proved all land to be tithe free, and the charge of tithe is "upon the stock and personal estate and not upon the land." John Allen adopts the same reasoning in speaking of the alleged right vested in the ancient owners to impose the charge of tithes on their property, after remarking they had "a perfect right to give their estates of their own free-will "for any purpose which they concientiously approved," says, "The establishment of tithes were, however, very different, "because in such a grant they actually disposed of *a portion "of the labour, skill, and capital* of their descendants"— "had they chosen to give the whole land or a tenth part of "the land, they might doubtless have done so; but the tenth "part of the land would not have satisfied the tithe claimant; "the successive *nominal* owners must cultivate it for him

" with their industry, skill, and capital; they must manure, " sow, and reap it; they must pay the rates and taxes, stock " it with cattle, incur the risk of failure and losses, and yield " annually to him or his assigns, the whole produce of the " tenth, or an equivalent in money. All this makes every " successive landowner a party in the matter, and compels " him to uphold an object of which he may entirely disap- " prove."—*State Churches*, p. 168.

These statements, I take it, will be recognised to be true and indisputable; and from them it necessarily results,

1st. That tithes were not really a charge upon the land, but were charged upon, and produced by, the industry of the cultivator, and therefore were taken out of his personal estate.

2nd. That the receiver of tithes was consequently a participator in the fruits of another man's labours, and unless the cultivation of the land was maintained, the tithe claimant got nothing.

We must next enquire, What is Tithe rent-charge?

John Allen says, " Tithe rent-charge especially differs " from tithes, as being with two or three exceptions, equally " payable whether the land be cultivated with one crop or " another, or whether it be left wholly without cultivation; " and therefore it does not depend upon the amount of pro- " duce."—*State Churches*, p. 180. *" It is no longer tithe, but a rent-charge upon the land."*—p. 182.

From this short yet clear statement it appears:

1st. It is a fixed rent upon the land, and not upon the increase produced by the cultivator.

2nd. It is paid " of land, and by reason of the land," and has no relation to the " stock and personal estate."

3rd. It remains unchanged in amount " if I sit still and work not," so that it is not " my labour, my diligence, my " industry that raiseth" the rent-charge; nor is it " in my " power to make it more or less."

4th. It is "a rent-charge certain," like any other rent, and therefore the owner cannot be truly said to be a participator in a "part of another man's increase," nor the possessor of a "portion of the labor, skill, and capital" of another, in any other sense than an ordinary landlord is; because,

5th. Inasmuch as a buyer of land purchases it subject to a fixed rent-charge, he pays less for it than if it were free, in the same manner as he does for land subject to any other "rent-charge certain"; and consequently he does receive value for the rent-charge he pays, for he would have given a larger sum for his land, were it free from such charge.

6th. That, inasmuch as rent-charge exists independent of the will of the cultivator, and that he bought his land subject to it, it is evident it is a distinct and "separate property," due to the proprietor in whom it is vested, as any other rent is.

Now, herein is the clear distinction between tithe and tithe rent-charge; because tithes were not a distinct and separate property, but existed only in the person and industry of the cultivator—nevertheless they were claimed as such; and on this subject A. Pearson says, "If this could be clearly evinced, "all scruples of conscience were answered; for if a true and "legal property be in another person to the tenth of my in-"crease, I ought in conscience to yield and set it forth, "*because it is not mine;* and then the name of tithe, as "having in any measure relation to the Jewish priesthood or "Popish clergy, were at an end, *but as a debt it ought to be* "*paid to the proprietor.*" p. 17. From this it appears to me clear that A. Pearson would have considered tithe rent-charge, as it now exists, to be a "true and legal property" in another person, and that not only he, but also our early friends as a body would not have hesitated to have paid it, if it existed in their day, and that they would have regarded it as any other rent which they paid for value received; because it evidently is "a true and legal property in another person,"

—because "it is not mine," "but as a debt it ought to be "paid to the proprietor." On this point A. Pearson further observes, "I say, where a rent is charged it is still expressed, "and find *any such exemption or covenant, and I will "freely pay them as a just debt.*"

John Allen in speaking of the rent of land held under an ecclesiastical body or person says, "The dissenter who pays "the rent has the use of the land, as a fair and equitable "consideration for his money, just in the same manner as if "the land belonged to a private person,"—so, if I purchase a property, subject to a given sum as rent, and a certain other sum as rent-charge, I have "the use of the land as a "fair and equitable consideration for my money." Now, I cannot see why I should scruple to pay the one more than the other, both being alike due in virtue of the consideration I have received; and if this were not so, how can I with any propriety pay rent to a bishop, who only holds the land in virtue of his episcopal office, but I *do* pay the bishop, not because of his episcopal office, but because in him the rent of the land is legally vested, and I have received value for what I pay; and so also is the rector paid his rent-charge, because he also possesses the same legal title, and I have received value from him likewise.

There is another point not unworthy of consideration: When sales of land are made under the Incumbered Estates Court, it is distinctly set forth in the rental, that the respective lots are subject to certain recited sums as rent, and as rent-charge. Now, it appears to me, if I purchase land knowing it to be subject to such annual charges, I enter into a virtual engagement to pay them; and I cannot well see how I can hold myself released from the payment of the one, while I hold myself morally bound to the payment of the other: in fact I withhold "that which is not mine," but another's. But I am told I do him no injustice, because the law enables him to enforce payment! *But do I do justly*

myself? What says Jonathan Dymond on this subject? "It is indisputable that a multitude of suits are undertaken "in order to obtain property or rights which the defendant "knows he ought voluntarily to give up. Such a person *is* "*certainly a dishonest man.* When a verdict is given "against him I regard him in the light of a convicted robber; "for what is the difference between him who takes what is "another's and him who withholds it?"—*Essay,* p. 131.

From the foregoing reasons I have arrived at the conclusion, that tithe rent-charge is in its nature and principle altogether different from tithe—that it is simply a head rent; and that that against which our religious society rightly bore its testimony no longer exists; and further, that the payment of tithe rent-charge does not in any manner involve a departure from our true and Christian testimony to the freedom of a Gospel ministry, and against the heresy of a human priesthood. If I am in error, I shall be glad to be set right, but I require something more than the dictum of men fallible as myself, and who ought to be willing, as our early friends were, to "prove all things," and not content themselves with dogmatic assertions of the judgment of the church; a course far more accordant with the arbitrary spirit of Popery, than with the gentle yet effective persuasions of Quakerism.

I am thy affectionate friend,

THOMAS BEWLEY.

Dublin, 11*th Month,* 1856.

P. S.—I may here remark, it has long appeared to me to be bordering on the absurd, to call the amount of distraints for rent-charge, "Sufferings." Surely it is no suffering for conscience sake, to have that which is not ours taken from us; but I think we might with some show of propriety consider as "sufferings," the difference between the amount legally due, and the value of the property taken by distraint.

REPLY
TO
H. RUSSELL'S "OBSERVATIONS"
ON THE FOREGOING LETTER.

Before making any comments seriatim on the arguments adduced in the "Observations" on the foregoing letter, which have been published by my friend Henry Russell, I feel bound to make some remarks on the sentiments put forth in the first three paragraphs of these Observations. Here it is plainly laid down that it "was a breach of good order," and is "inconsistent with the subordination" due to the body, to have printed and circulated my letter on the subject of rent-charge amongst some of my friends. Are not these sentiments redolent of Popery, rather than breathing the free spirit of Quakerism? Are we not at liberty to call the attention of our fellow-members to the doubtful propriety of continuing a practice, when we believe the cause which has led to its adoption has ceased to exist? Is it not possible that lapse of time and change of circumstances may render practices or customs no longer appropriate, which it was once requisite to observe? Are we blindly to follow where conviction does not lead? Is this "proving all things, and holding fast that which is good?" And how are we to prove unless we investigate? Will not truth bear the most rigid criticism and yet be triumphant? Is it not the very essence of Popery to require submission and refuse enquiry? Or are we at liberty only to *speak* our sentiments and not to *write or print them*? Is not the moral health of the body more likely to be restored by a full enquiry into facts, than by shutting our eyes to the difficulties of our present position?—a position in which our "testimony" has been so feebly borne by some, and the sufferings of an honest refusal so unworthily evaded by

others, that not only is the reputation of our religious society involved, but, far worse, the standard of moral rectitude, which it is the duty of every man to maintain unsullied, is depreciated? Is it safe to ignore a condition of things because the knowledge of it is disagreeable? Is it practicable to continue, is it prudent or wise to endeavour to maintain a custom, the necessity of which is not founded on, and brought home to, the conscientious convictions of a large portion of the church? Should not conviction and practice precede and produce the mandates of the body, rather than be based on them? Is not a fair and calm, an open and patient investigation of a subject on which doubts have long existed, instead of being "calculated to unsettle "our members," far more likely eventually to "establish, "strengthen, settle" them? Lastly, does not the shunning of discussion seem to indicate a consciousness of weakness? I cannot recal to my memory a case in which such a right as I have exercised has been called in question; and I claim for myself, and for all my fellow-members, such a right, as one of the most valuable which we enjoy. I repudiate such sentiments as I have adverted to, as inconsistent with Quakerism.

But though it is not actually asserted, the writer seems to infer, that I have called in question some "fundamental principle of our Religious Society;" for in the second and third paragraphs of the "Observations," we find the expressions, "not at liberty to promulgate sentiments affecting prin-"ciples on which our religious fabric is based"—"advocating "in print opinions calculated to unsettle our members, and to "cause a diversity in sentiment and practice on a funda-"mental doctrine of our Society." Surely, I have done nothing of this kind. *I do call in question the propriety of continuing to compel our members, under penalty of loss of membership, to uphold a "testimony" after the cause which led to its adoption has, as I believe, ceased to*

exist. Now, what is a "*testimony?*" It is an evidence given, a proof, a practical conclusion drawn from a principle: but a principle is one thing, and an inference from it another. Our "testimonies" are practical inferences, sound conclusions, drawn from our Christian doctrines and principles. Our testimony against all wars and fightings, under any circumstances whatsoever, is the just deduction we draw from the peaceable principles of the Gospel of the Prince of Peace. Our rejection of a human priesthood, and a hierarchical system, is the testimony we bear to the doctrine of the spiritual nature of the Christian dispensation, and to the headship of Him who is the only High Priest and Bishop of his church. And so also the refusal of our early Friends to pay tithes or other demands for the support of a ministry appointed and ordained by man, was a testimony, a sound practical inference from their principles as respects the freedom of a true gospel ministry. Surely, the propriety of the payment or non-payment of rent-charge is not a principle or a doctrine, but only an inference from a doctrine; and of this I have actual proof, even the formal decision of our own Yearly Meeting on this very subject. A few years since, one of our members was disowned by his Monthly Meeting, in consequence of his being engaged in the collecting of rent-charge, as an agent: he appealed to his Quarterly Meeting; it confirmed his disownment; he then appealed to the Yearly Meeting against that judgment; the decision was again confirmed, and the appellant gave notice of an appeal to the Yearly Meeting of London. Now our Yearly Meeting admits of appeals to London "in matters of faith and doctrine,"—see note, page 10, Rules of Discipline; see also note, p. 112; in the latter place the words are, "in "matters of faith and principle." Our Yearly Meeting declined to appoint respondents, and denied that any appeal lay in the case, because the matter of the appeal did not involve any question of "faith, doctrine, or principle." The

appellant, nevertheless, laid his appeal before the Yearly Meeting in London, and a committee was appointed to investigate the subject. The committee reported, "we are "decidedly of the judgment that the said appeal is not a "matter of faith and principle," and consequently the case was not heard. By these decisions of the two Yearly Meetings, I think I am fully absolved from any imputation of having called in question any matter involving the fundamental principles or doctrines of our Society.

It is remarked in paragraph 2—"We are even required in "matters which we apprehend to pertain to a conscientious "discharge of religious duty towards the church, to abide "by the adverse decision it may come to." No doubt we must and ought. This, I presume, is an allusion to the right inherent in the church of judging, and consequently of accepting or rejecting, what is offered to it by any one of its members, as ministry. But how does this bear on the matter at issue? Is there any analogy between one member submitting to the judgment of the church in such a matter, and another member inviting his friends to consider whether a difference does not exist in principle between tithes and rent-charges, although both be applied to the same purpose?

It is remarked in same paragraph, page 4, that a member "has the acknowledged right to withdraw from fellowship:" doubtless he has. But this is always a question of degree; a member must be himself the judge, whether he *differs so much* in opinion as to make it right for him to withdraw. The church possesses a corresponding right to consider whether his opinions are such as to require expulsion. Nevertheless, differences of judgment may exist within limits which call for neither course, and I doubt if there ever was a period when such differences of opinion did not exist in a greater or lesser degree. Perhaps it may not be far from the truth to say, *that when there is vitality, there will be diversity,*

and that the strict enforcement of uniformity is generally an evidence of a diminution of life. Does not the whole history of the Christian church give ample evidence of this?

I altogether differ from the statement made in page 4, that "the solid judgment of the committee" (to which the question of tithe rent-charge was referred by our last Yearly Meeting) "was the affirmation of the minute of the "Yearly Meeting of 1834"—that "a report to this effect "was agreed to and verbally made to the meeting"—or that "it was formally united with by the meeting at large." I believe, on the contrary, that the circumstances were as follows:—At the conclusion of the discussion on the subject, it was proposed by some Friends to have a written report sent to the Yearly Meeting, re-affirming that minute, and when this was dissented from by many, then it was proposed to make a verbal report to the same effect; to both these courses many besides myself objected, and it was finally agreed, with the approbation of some of the most judicious Friends present, to make no other report than to state verbally, that "the committee had considered the subject re-"ferred to it and had nothing to report." In fact, there was a free conference on the subject, and a conclusion in which nothing was concluded. I am quite clear this was the statement made to, and accepted by the Yearly Meeting; and in this I am fully supported by the testimony of many Friends who were present, of whom I have enquired. Now is it not evident from this plain statement of *facts*, that no formal conclusion or judgment could have been come to; and how could a report be "formally united with "by the meeting at large," when no minute was entered on its proceedings?

The circumstances which led to the reference of the subject of Tithe rent-charge to the consideration of the committee were these. When the question came before the Yearly Meeting, by exceptions being returned in the an-

swers to the queries, some persons having invited the meeting to enter upon an investigation of the matter, an attempt was made on the part of a few to stop such a discussion, by having the minute of 1834 read, saying in effect that "that settled the question"—"that was the "judgment of the church." I replied, "that I thought it "was no fair way of meeting the doubts and difficulties "in the minds of many Friends, to tell them that the "Yearly Meeting had decided so and so twenty years "since, what they wanted was to be convinced that that "decision was a sound one." This view was supported by several influential Friends, and it was agreed to refer the consideration of the whole subject to the open committee above adverted to. It was to these circumstances I alluded in my letter when I stated I required something more than "dogmatic assertions of the judgment of the "church."

In the first paragraph of the "Observations" it is remarked, "that it was unwise and injudicious to agitate the Society "on a subject respecting which it had already delivered its "judgment:" some comment on this, and also on the minute of our Yearly Meeting of 1834, quoted in page 5, appears called for. It will be seen that the judgment expressed in that minute is given in extremely cautious language—simply declaring that "The rent-charge proposed to be "levied by act of parliament, *so far partakes of the charac-* "*ter of a direct payment for ecclesiastical purposes*, that "the receiving or paying of it by our members would in-"volve a violation of the testimony of our Society." But is this the question that I have raised, as stated in the "Obser-"vations," p. 5? I think not. The question at issue is, "*Is there a distinct difference in principle between tithes* "*and tithe rent-charge*," *such a difference as that the latter ought to be freely paid "as a just debt?*" On this point I cannot admit that our Yearly Meeting has ever pronounced

its judgment. To show this, it is necessary to advert a little to the past. In the year 1834 the Melbourne Administration brought in a bill to convert compositions of tithes in Ireland into a land tax, redeemable within five years; after that period, the compositions not redeemed to be converted into a rent-charge. This was the proposed measure on which our Yearly Meeting pronounced its opinion in the minute above quoted. This bill was rejected by the House of Lords. In 1835, the Peel administration brought in a resolution, on which to found a bill, for the conversion of tithe composition into a redeemable rent-charge; this proposed measure was lost by the retirement of the ministry. In 1836, a measure of nearly similar character was introduced by Lord Morpeth, in the "Church of Ireland Bill." It was subsequently rejected by the Commons, in consequence of amendments introduced by the Lords. Again, in 1837, a bill was brought in by Lord Morpeth to convert tithe compositions into a rent-charge; but it was lost, in consequence of the dissolution on the death of King William IV. It was not until the year 1838 that the present law was passed, four and a quarter years after our Yearly Meeting had pronounced a cautious judgment on a bill which differed not a little from the law which was ultimately enacted in 1838.* From the year 1834 to the present time, I am not aware—though I was present at all the meetings—that our Yearly Meeting ever considered the subject. As to the second date to the minute, that only refers to the fact that it was agreed that year to insert it in the new edition of the "Rules of Discipline and Advices," then about to be printed, and this minute was read, with upwards of one

* This may be seen from the wording of the original minute, in the proceedings of the Yearly Meeting, which states that "it is of the judgment that the land "tax and rent-charge, proposed by said bill to be substituted for tithe, so far par-"takes," &c. Some verbal alterations were made in it by the Yearly Meeting's Committee when it was about to be printed in 1840.

hundred others, proposed also to be printed, but no discussion took place. From that time to the present there is no record of any consideration having been given to the subject by our Yearly Meeting; so that it may be said with strict truth, that the Yearly Meeting of Friends of Ireland has never pronounced its judgment on the law of rent-charge as it now exists: for the measure of 1834 was a different one, and even if it were not, how can it be said that a meeting recorded its judgment on a law four years before it existed, and before it was possible correctly to estimate the working of it? Besides, even admitting that the minute of 1834 strictly applies to the rent-charge act, surely it is silent on the principle involved in the measure; it only alludes to the application of the rent-charge, not to its nature.

The two paragraphs in "Observations," pages 5 and 6, appear to me to beg the question—assuming the whole matter at issue to be proved—viz. that rent-charge is the same as tithes, except in name. "The ground of our "objection" to tithes I believe to have been, that we *were forced to contribute a portion of the increase of our substance for the support of a ministry which we repudiated*—while the reason that I think we should not object to the payment of rent-charge is, that *rent-charge neither is, nor ever was, ours at all, but is a portion of the rent due for land possessed.*

In "Observations, page 6, it is asked, if our members may pay rent-charge to the Church of England, "on what "principle could objection be made to a like assessment for "the sustenance of the Church of Rome." I answer, *on no sound principle whatever.* Because I contend for the broad general principle, that *any rent-charge, of any kind or description whatever, being from* ITS INHERENT NATURE, *a rent due for an equivalent received, may and* OUGHT TO BE PAID, *and that the payer has nothing whatever to do with, no moral right to enquire into, the objects of its*

application. A quotation from John Allen's work on "State Churches" then follows, to the effect that the authority of conscience is of higher authority than the law of the land. Doubtless it is, but this is quite a different question; I find no fault with the Friend who feels a conscientious objection to pay, but why should I be required to act in accordance with his scruples, the force of which I do not feel?

The statement made in the "Observations," pages 6 and 7, in reference "to the conversion of tithes into a rent-"charge," leads to an erroneous historical inference. It is there stated, that "previous to the passing of the tithe com-"position act for Ireland, the tenant was the party liable to "the payment of tithes." From this it might be supposed that, *after* the passing of that act, the tenant was released from the liability, and that it was transferred to the Landlord; this inference would be erroneous. The tithe composition act which was passed in 1823 left the liability on the occupiers as before, but it provided that all land set after its passing, in parishes where compositions had been effected should be set tithe free; nevertheless, the occupier in this case was "required to pay the amount of such composition," and hand the receipt for it to his landlord in part payment of his rent.* It was during the period of the operationof this act, in endeavouring to collect a hated tax from a hostile tenantry, that those scenes of riot and bloodshed took place, to which Henry Russell has alluded. To such an extent was the organised opposition carried, that the impost ceased almost entirely to be collected, and the established clergy were reduced to the brink of starvation, so that large sums of public money had to be granted for their relief; and ultimately parliament in 1838 abolished compositions for tithes in Ireland, and in lieu thereof imposed rent-charges.

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* See 4 Geo. IV. cap. 99, sec. 41.

It was by this, the rent-charge act, 1 and 2 Vic. cap. 109, that the liability of payment was transferred from the tenants to the owners of land, being those who possessed a "first estate of inheritance" in it. Further down in the same paragraph it is remarked:—"But it was not pretended "at the time that this change in the law effected any "change in the principle of the impost." I demur to this statement, because it was strongly urged on Friends, by the minister who had charge of the bill, that the principle of the impost was so wholly changed, that all conscientious objections to the payment ought to cease: he failed however to convince them. Nevertheless, I believe time will prove that the minister took a true and comprehensive view of the subject.

In the next paragraph, page 7, it is observed—"But tithes "being now nominally extinguished, and a substitute of a "more respectable character provided, few are found to "plead for them as such." Are they not *really* and *wholly* extinguished? If not, why was a substitute provided? Again, "the idea of their having been a property will not "stand in the present day"—True; I believe few, if any, will dispute this position. Anthony Pearson long since demolished it; clearly proving that it was absurd to argue that one man could possess "a property in the tenth part "of another man's increase," which increase only existed by the will of that other. But it would seem to be implied, that because "a property" did not exist in tithes, therefore "a property" cannot exist in that which is substituted; for a little further on, page 8, it is asked—"And what "stronger claim can now be advanced in favor of rent-"charge, it being a creation of law?"—Is not the right to every kind of property a creation of law? Can any stronger claim be advanced in favor of rent-charge than that it is the "creation of law." If the state were now to sell all the ecclesiastical rent-charges in Ireland, would not

the buyers possess a "true and legal property" in them? Would they not be as real and genuine properties as any other rent charges granted by private persons? Is it possible that the *application* of a rent-charge can invalidate the reality of its being a "distinct property?" Jonathan Dymond remarks (Essay II. cap. 2):—"Disquisitions re-"specting the *origin* of property appear to be of little use." "The foundation of the *right* of property is a more impor-"tant point. Ordinarily, the foundation is the law of the "land. Of Civil Government—which institution is sanc-"tioned by the Divine Will—one of the great offices is, "to regulate the distribution of property." "The proposi-"tion therefore, as a general rule, is sound—*He possesses "a right to property to whom the law of the land assigns "it.*"*†

In the next paragraph in "Observations," page 8, after quoting my "attempts to prove tithe rent-charge to be a "'distinct and separate property,'" an extract is given from "State Churches" as an answer; to which I reply, adopting the words quoted as far as I can:—If I purchase an estate, knowing it to be subject to a claim, say rent-charge, applicable to a purpose of a still more objectionable nature, as, for instance, the upholding of Mahomedan or idolatrous worship, I believe I am morally bound as an honest man to pay it. If I cannot pay such a rent-charge, I ought not to have made the purchase. If a Friend had become a tenant on the Strathfieldsay estate, which was granted to the late Duke of Wellington, as a reward for military services, was he not bound as an honest man to pay his rent? Yet would not the claim of the Duke for his rent have been equally objectionable as the claim of

* Dymond then goes on to explain that the proposition can only be a general rule, because law is founded on general principles, which, though sound in themselves, will occasionally in their application violate the moral law.

† Essays on Morality, p. 118, 5th edition.

the rector for his rent-charge, both being "a creation of "law," granted for services equally opposed to our religious principles? The duty of making both payments appears to me to be a moral obligation, founded on the fact that they are made for an equivalent possessed by the payer; and I am unable to see that any one, under such circumstances, is called upon by any law of morality or religion, to investigate into the application of the rent, any more than he is bound to enquire into the appropriation of the money he pays for a loaf of bread or a yard of calico.

The quotation from "Essays on Morality" given in pp. 9, 10, is not applicable to anything put forward by me. Dymond is here arguing against the position "that the "legislature has no *right* to take away tithes," and after proving that it has such a right, he proceeds to show that the possessors of tithes would be entitled to compensation, for, he says "the law has, in reality, been accessary to the "offence, and it would not be decent or right to take away "the possession which has resulted from that offence, with-"out offering an equivalent."*

In page 10 a belief is expressed that I have put "a con-"struction wholly unwarrantable," on Anthony Pearson's views in reference to a "rent-charge." I apprehend a careful examination of his well known "Great Case of Tithes," will show that I have not. In a most able and elaborate argument he proves that tithes cannot be a "distinct pro-"perty," or indeed a property at all; pointing out with great clearness the wholly different nature between them and a rent-charge, and showing that while his ancestors "could not "charge their property with that which was in no way "theirs," (i. e. tithes) they "might have given a tenth or "any other part of their land as they would, *or they might* "*have charged upon their land what rent they liked.*'

* Essay III., chap. 16, p. 523, 5th edition.

Now, if they could "have charged upon their land what rent "they liked," they could have *granted* the charge for any purpose not forbidden by law. And this *charge granted upon land* must have been a *rent-charge*. So I think it may fairly be inferred from his arguments, that he would have admitted any grant of a rent-charge, whatever its application, to be "a true and legal property," and therefore, that "all scruples of conscience were answered, and "as a debt it ought to be paid."

A lengthened quotation from A. Pearson's work is given in page 11, showing that Parliament has not power to make laws "in matters of religion and spiritual things"—but it is one thing for Parliament to make laws in matters it should not meddle with, and quite another thing for a person to refuse to pay that which by its very nature is a debt incurred; a part of the rent of the land he holds. It is then asked, "can we suppose for a moment, that a commu- "nity (Friends) holding such convictions could have been "reconciled to a *Tithe* rent-charge on land?" I answer, yes, on the principles laid down by Anthony Pearson; and H. Russell goes on to add: "The idea appears to be clearly "opposed to well authenticated facts." How can this be the case? How can there be "well authenticated facts," when nothing analogous to rent-charge existed in the days of our early Friends, on which to found these "facts"?*

In page 12 of the "Observations," it is remarked that there appears to be "an absence of candour in the quotations "from the works of Jonathan Dymond and John Allen." I cannot admit that I am in any degree obnoxious to this

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* Although in my letter I have made use of the term *tithe* rent-charge, in accordance with common custom, yet I think it an objectionable one, as leading to a confusion of ideas: it seems a manifest contradiction of words. A rent-charge cannot be tithe, from the opposite nature of the two things. The title of the 1 and 2 Vic., chap. 109 is, "An Act to abolish compositions for tithes in Ireland, and to establish rent-charges in lieu thereof."

imputation. The quotation alluded to, which I have given from Dymond's Essays, is suggested as an answer to the enquiry I made, as to whether I do not do unjustly if I withhold from another that which is not mine, and leave him to enforce payment by law. The passage quoted by me is from the essay on "Private Rights and Obligations," in the chapter on "Property," and the section "unjust defend-" ants;" and it applies to *unjust defendants*, not merely in "*ordinary matters*," but in *all matters*. The point of the application turns upon whether I am an unjust defendant or not—whether I refuse to pay that which I know to be due by me; and it seems to me to be begging the question, to assume that I ought not to pay rent-charge on my property; whereas, this is really the question involved. I also maintain not only the "literal correctness" of the quotation from "State Churches," but also that I have given the author's opinions, exactly as he designed them to be understood. I enquire, "What is Tithe rent-charge?" and I quote from John Allen's work where he says, "*It is no longer tithe but a rent-charge upon the land:*" and so it is, and nothing else; and this is exactly what the writer designed to convey to his readers. Were I enquiring what the author thought of the *application* of rent-charge, I might with propriety have quoted the whole paragraph; but this was not the matter under investigation—but what *it actually is*, and therefore the other portions of the paragraph were irrelevant to the enquiry. Nevertheless, I can heartily concur with the latter part of the quotation given in page 13 by Henry Russell, that "there is ground to fear, that in its new and "more secular shape," the compulsory support of "an unequal, "oppressive hierarchical establishment, retaining many cor-" rupt doctrines and usages," "has even spread its roots more "deeply and widely in British institutions." Yet, "Great "is Truth, and it will prevail."

In "Observations," page 13, the question of "Ministers

"Money" is introduced, to which I made no allusion whatever. We may, therefore, investigate it a little also. It is there stated that Ministers' Money "is in principle similar "to Tithe rent-charge:" and again farther down; "It "seems clear that if Tithe rent-charge may now be paid "without a violation of our testimony against a hireling "ministry, ministers' money might always have been," and again, page 14, "The two imposts are identical in principle." I dissent from these conclusions. They may be identical *in application*, but not *in principle*, as I see them. I think if Henry Russell had investigated into the difference between a rent and a tax, he might have arrived at a different, and a sounder result. A rent is from its very nature a charge made for something given in return: a tax is a levy made for local or general purposes. *House-rent* is a fair and reasonable interest or profit paid for the capital invested—a tax is a charge made upon the house over and above this interest. A rent-charge on a house does not add to the cost of the holding to the tenant, it being a portion of the rent, or interest of capital only—a tax does add to the cost of the holding, it being paid by him in addition to the natural rent.* Although there are occasional agreements between landlords and tenants, that the former should pay all taxes, yet this does not alter the principle, because in such a case so much more rent is charged as the taxes amount to. It is manifest this *must be* the case; for if the landlord had to pay all taxes, out of the fair and reasonable interest of his capital invested, he would not have a fair interest for his money, and houses would no longer be built.

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* In like manner it may be shown that rent-charge in the case of land does not add to the cost of the holding, it being a portion of the rent or natural value of the land—which natural value or rent, is, or may be divided between, and payable to two or any other number of persons, and in any proportions; but the *sum total* is the market value, or natural rent of the land.

From these positions, which I believe will be admitted to be correct, it appears a necessary deduction, that Ministers' Money is a tax levied on the tenant, as tithes were, and altogether different from rent-charge, which is a portion of the natural rent reserved. It appears to me, therefore, that the same objections apply to the payment of ministers' money, as there did to tithes, actual or commuted; and thus while I may plead for liberty to pay rent-charge as a debt, I am not prepared to admit that I am "open to the charge "of inconsistency," because I refuse to pay ministers' money. I am, however, bound in candour to admit, that in consequence of a recent enactment, by which all new houses are exempted from ministers' money, it would appear that this tax will become converted into a rent-charge in course of time; because it seems evident, if a new house be not subject to this tax, that an old house, of the same value as the new one, will let for only the same amount in rent and ministers' money taken together, as the new one lets for in rent alone; and thus the tax will finally become a deduction from, or a charge upon the rent—or in other words, a rent-charge.

In the "Observations," page 14, reference is made to the statement in my Letter that "when sales of land are made "under the Incumbered Estates Court, it is distinctly set "forth in the rental, that the respective lots are subject to "certain recited sums as rent, and as rent-charge:" and it is replied, "This is *sometimes* the case, but it is by no means "universally so." This statement, "that it is by no means "universally so," appears to be inaccurate; for I have been informed by Baron Richards—who was the Chief Commissioner of the Court, until very recently—that it *is the universal practice and rule* of the Court, to insert in the rental the amount of the rent-charge to which the respective lots are subject; and further, if it should happen, that through neglect or other cause, such recital were

omitted, that on the discovery of such omission after the sale, the buyer would be allowed, in some cases, even to cancel the purchase, or the Court would award him out of the purchase money, such sum as would in its estimation, be equivalent to the value of the rent-charge in fee-simple for ever.* To support the statement that the practice I mentioned is not a universal one, H. Russell says that "a "friend wrote to him that he holds rentals of three pro- "perties advertised for sale under that Court, and that in "two of them there is no allusion to tithe rent-charge." I presume it must have been because there was no rent-charge on these two properties. There are many cases in Ireland in which land is free of rent-charge, and it is not uncommon for the Court to sell properties thus exempted. It is very likely that rent-charges may not be set out in the newspaper advertisements of properties for sale under the Court; what buyer would look to a newspaper for all the circumstances of a property, when a full and authorized statement of every particular is published in the "rental," under the authority of the Court? This information sometimes extending in large estates to the bulk of a heavy volume. There is certainly no mention made of rent-charge in the deeds of conveyance granted by the Court. I did not say there was, but I maintained that although there was no contract in the deed, yet that when I purchased land, stated in the rental to be subject to such annual charges, I entered into a virtual engagement to pay them; and I may here state in reference to this virtual engagement, that buyers are not only aware from the rental that the land is liable

* In confirmation of this I may mention, that a Friend some time since bought a property under the Court; in the rental of which the rent-charge was set down at 18 shillings less than the actual amount to which the property was liable; and the error being discovered after the sale, the Court ordered the purchaser to be reimbursed with a sum which it deemed equal to the capital represented by the extra annual charge he would have to pay.

to a certain rent-charge, but they or their authorized agents have to sign a record of the sale in a book kept by the Court. Is this not still further incurring an obligation to fulfil the conditions of the sale, and accepting the liabilities set out in the rental? And although the payment of rent-charge is not made a covenant in the deed of conveyance, yet it is as distinctly reserved as any other rent-charge or rent at the time of sale. The buyer therefore is only granted the land subject to this reservation.

In illustration of the position I have laid down in my letter, *that there appears to be a moral obligation to pay rent-charge resting upon the buyers of estates sold under the Incumbered Estates Court*, I may mention, that there are other obligations, set out in the rental, but not recited in the deed of conveyance, which the purchasers *must* fulfil. They are bound to all the conditions respecting tenants which are therein set forth. A single illustration which has come under my own knowledge will suffice. By the conditions stated in the rental, in the case of an estate purchased sometime since, the purchaser has been obliged to grant a lease for 21 years, at a rent below the present value, and to allow the tenant £50 to erect a house.

At the bottom of page 14 in the "Observations," allusion is made to some special provisions in the rent-charge act for the recovery of rent-charge from Friends; and in page 15 it is remarked, "From the protection thus afforded we may "reasonably conclude that the legislature never viewed the "impost in the same light as a rent due to a private indi-"vidual." So far from this being the case, it appears to me that there is ample evidence to the contrary effect; because it is enacted, sec. 29, "That when the person liable shall occupy "the land in respect whereof the same may be payable it "shall be lawful to make distress for any arrears of such "rent-charge; and such distress shall be subject in all

" respects to the like regulations, and attended with the " like privileges and advantages as are by law established in " respect of any distress by any landlord for the recovery " of rent." And by sec. 27, it is enacted, " That the said " rent-charges shall have priority over all other charges, " liens, mortgages, and incumbrances whatsoever affecting " the lands chargeable therewith."

In the next paragraph, page 15 of the " Observations," it is remarked that " although it may now be said that Tithes " and Tithe rent-charge are not the same, and that objec- " tions against one lie not against the other, yet I think it " requires but the exercise of a plain understanding to " identify the two imposts as *essentially* one." True, the *application* of the latter is the same as the *application* of the former was. *But is there any identity in any other respect?* The two imposts appear to me to be *essentially* different in their nature. The arguments that were urged against tithes, do not in my opinion apply to rent-charge, but on the contrary, the principles laid down by A. Pearson seem to me to justify the payment of it. The former he clearly proves was not, and could not, from its very nature be a *separate property*, or even *property* at all—the latter manifestly *is a separate property*. The former he shows to have been a portion of the produce of the industry of the cultivator of land, for which he received no equivalent. The latter is a rent reserved, and for which the quid pro quo is given. In the former case he proves it was not the land that was subject to Tithes, but that which was produced from it by the labor of the possessor—in the latter the rent is equally due whether the possessor produces anything out of the land or not. In the former case he shows it was a direct contribution from the substance of the cultivator—in the latter it cannot be a portion of that substance at all, for it never was in his possession any more than any other rent

to which he may be liable. Are not these *essential distinctions in nature and principle*, evident to "a plain under-"standing?"*

In the last paragraph, page 15, in observing on my remark that "I require something more than the dictum of "men fallible as myself," it is asked: "What does he expect "in such a case? Does he require a special manifestation "of the Truth? If so, what must be its nature?" I answer: That I, in common with many others, ask for *clear and satisfactory proof by sound argument*, that it is a necessary deduction from our true Scriptural principles on worship and ministry, that our Yearly Meeting should make it obligatory on our members under the *penalty of forfeiture of membership*, not to pay rent-charge. Such was the practice of our early Friends; they did not shrink from, but on the contrary, invited—nay challenged—the most searching investigation into all their principles and practices. They did not say, "Obey the Church," but, "Prove "all things, hold fast that which is good," They sought to bring *conviction* home to the understandings, and hearts, and consciences of all men, instead of telling them the Yearly Meeting had decided so and so. How illustrative of this was the answer of George Fox to William Penn, who after he had joined himself to our Society continued for some time to wear his sword, a custom then common amongst gentlemen of his rank in life; he, having asked George Fox's opinion on the propriety of his continuing to wear it, the latter is said to have replied, "William, I advise thee to

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* I have made frequent allusions to "the principles laid down by Anthony Pearson." I deem them to be the principles of our early Friends, for I am entitled to assume that the views put forth by him, must be recognized as the authorized judgment of our religious Society; insasmuch as his "Great Case of "Tithes."—Dublin Tract Association, No. 66, has long been circulated amongst us without objection, and appealed to as the authoritative judgment of our Society for two hundred years.

" wear it as long as thou canst." How great the wisdom of this answer! To be induced to act upon conviction, instead of from authority. Is Henry Russell prepared to say to any one of our members who may inform him, that he does not feel any conscientious objection to pay rent-charge: "Then I advise thee to pay it as long as thou canst?"

A short remark seems called for in regard to the last paragraph of the "Observations," when referring to my remark that it had "long appeared to me to be bordering " on the absurd to call the amount of distraints for rent- " charge 'sufferings,'" Henry Russell says, "I think such a " form of expression might have been spared." I ask how can any distraints be truly called "sufferings for *conscience* sake," when it is well known that many, perhaps the major portion of those who make these returns, have no conscientious objection to the payment, but only refuse because it is required of them by rule, under the penalty of disownment?

Having made such comments on the "Observations," as appeared to me to be called for, I have now to make some further remarks on the general subject. I have for many years had much opportunity of becoming acquainted with the difficulties which the working of the rent-charge act brought on several of our members, and my attention has therefore been a good deal directed to the subject. I have long since formed the opinion, that the time must come, when our Yearly Meeting would feel itself obliged to enter upon a close examination, as to whether it could continue to maintain rules made for conditions of things that appeared to me to be very different from those that now exist. Nevertheless, I have abstained from expressing this opinion, even to my intimate friends, and have carefully avoided saying or doing anything that would precipitate a discussion. I

well knew that when such an investigation was entered upon, much diversity of opinion would be found to exist. It was altogether unexpected to me to find the question brought forward at our last Yearly Meeting, yet when it was brought forward, I felt the time had arrived, and that I ought not to avoid taking my part. In the general discussion which took place I stated the conclusions which I had adopted without much endeavour to prove their correctness; and as I had given but few reasons in support of my opinions, several of my friends invited me to enter upon the subject more fully. I have already shown that the question was not settled at our last Yearly Meeting, nor do I wish to press for a speedy decision now; on the contrary, I believe that when we cannot see alike, patience is best, and that we must bear and forbear with one another, remembering the apostolic enquiry, "Why dost thou judge thy brother?" Let us all endeavour to be "fully pursuaded in our own "minds," and whilst exercising the liberty common to all, of judging for ourselves, let us freely grant the same liberty to those who differ from us.

I wish it to be distinctly understood, that in questioning the propriety of enforcing by rule the non-payment of ecclesiastical rent-charges, I do not mean either directly or indirectly, to call in question the soundness of our Christian doctrines or principles, either as regards the spiritual character of true worship, or the freedom of gospel ministry. I neither have, nor can I recollect that I ever had, a doubt on these subjects. I believe they are in strict accordance with the *principles* set forth in the New Testament, and with the *practice* of the early Christian Church. I believe that those who preach, should "preach the Gospel for the "Gospel's sake." I believe that the invention of *a human priesthood is a great heresy.* I believe that the compulsory pecuniary support of the ministerial office is a grievous violation of Christian liberty: and I believe that

as regards this country, the enforcing upon an unwilling people, a hierarchy and priesthood, "aliens in blood, aliens in "language, and aliens in religion," was about as great a hindrance to the progress of the Reformation, as perverted human ingenuity could have devised. I question no article of faith, no doctrine, no principle of Quakerism; but I do call in question, as not being a sound deduction from these sound principles, the necessity of refusing to pay ecclesiastical rent-charges, or anything of the same nature as a rent-charge, no matter to what purpose it may be applied.

I desire also that it may be distinctly understood, that in stating the general conclusions at which I have arrived, I should not wish it to be inferred, that I therefore think all our members ought to pay the rent-charge to which they are liable. I am well aware there are a variety of individual cases so different from each other in their incidents, that it would be presuming too much to say there was no exception to that general conclusion. What I wish is, that our Yearly Meeting should permit each member to follow that course of action which his own conscience may point out to him to be right. I object to a rule which I know has produced a struggle in the minds of some between a desire to follow the rules of the body on the one hand, and on the other a doubt whether they were acting with strict integrity, in withholding that which they believed not to be theirs.

There is a point of view in connexion with the retaining of a rule which forbids the payment of ecclesiastical rent-charge, to which I wish to invite the very serious consideration of my readers. I allude to the disobedience to civil government involved in it. To refuse to comply with the law of the land involves a very grave and serious responsibility. For all must acknowledge that it is the Christian duty of every subject to yield a cheerful and ready obedience to the laws of the land under which he lives; and nothing can justify the refusal of this obedience except a strong individual

conviction of conscientious duty. On this subject Jonathan Dymond in his Essays on Morality observes:—

"The authority of civil government as a director of individual "conduct, is explicitly asserted in the Christian Scriptures. 'Be "'subject to principalites and powers—obey magistrates.' 'Submit "'yourselves to every ordinance of man for the Lord's sake.'" "By "this general sanction of civil government, a multitude of questions "respecting human duty are at once decided. In ordinary cases, "he upon whom the magistrate imposes a law, needs not to seek "for knowledge of his duty upon the subject from a higher source. "The Divine will is sufficiently indicated by the fact, that the "magistrate commands. Obedience to the Law, is obedience to "the expressed will of God."* "But the authority of civil govern-"ment is a *subordinate* authority. If from any cause, the magistrate "enjoins that which is prohibited by the moral law, the duty of "obedience is withdrawn. 'All human authority ceases at the "'point where obedience becomes criminal.' The reason is simple, "that when the magistrate enjoins what is criminal, he has ex-"ceeded his power: 'The minister of God' has gone beyond his "commission." "To disobey the civil magistrate is however not a "light thing. When the Christian conceives that the requisition "of Government and of a higher law are conflicting, it is needful "that he exercise a strict scrutiny into the principles of his conduct. "But if, upon such scrutiny, the contrariety of requisitions appears "real, no room for doubt is left respecting his duty, or for hesitation "in performing it. With the consideration of consequences he "has then no concern; whatever they may be, his path is plain "before him."†

Now, if it involve a grave and serious responsibility for an individual to refuse to comply with the commands of civil government, and if it demand on his part the exercise of a strict scrutiny into the principles on which he acts, is it not indeed a much graver and more serious thing for a Christian community, to require habitual disobedience to such commands on any given subject, as a condition of religious

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* Essays, p. 76, 5th edition. † Ibid. p. 78.

fellowship? Ought not such disobedience to arise from individual conviction of its necessity, rather than from the rule of the body? Are not those who disobey the commands of civil government on account of the rule, and without a conviction of duty, guilty of disobedience to the moral law? Must they break the moral law, or lose their membership in a religious community, of the soundness of whose principles they are convinced? Is it not safest to afford to every one the liberty of following that course which his own conscience points out to him is right? As regards the *authority* of conscience, Dymond writes:—

"With respect to the *authority* which properly belongs to Con-
" science as a director of individual conduct, it appears manifest
" alike from reason and from Scripture, that it is great. When a
" man believes, upon due deliberation, that a certain action is
" right, that action is right *to him*. And this is true, whether the
" action be or be not required of mankind by the Moral Law. The
" fact that in his mind the sense of obligation attaches to the act,
" and that he has duly deliberated upon the accuracy of his judg-
" ment, makes the dictates of his Conscience an *authoritative* dictate.
" The individual is to be held guilty if he violates his Conscience—
" if he does one thing, whilst his sense of obligation is directed
" to the contrary."

Knowing therefore that in many of our members there is not any strong conscientious conviction that they ought to refuse the payment of rent-charge, but on the contrary a deliberate conviction that they ought to pay it, am I justly obnoxious to censure in calling the attention of my friends to this important subject, with a view of convincing them that it is expedient and just, no longer to require a uniformity of practice, in the absence of a corresponding unity of conviction?

Amongst the many striking characteristics which distin-

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* Essay I. chap. 6, p. 53, 5th edition.

guished our early Friends from the various religious bodies by whom they were surrounded, and from whence they sprung, perhaps there is none which so fully indicates the enlightened and comprehensive views they entertained on the nature of true Christian liberty, as their abstaining from requiring any subscription to formulas or articles of faith. Instead of endeavouring to bind the minds of others, they demanded freedom for their own. Instead of sitting in conclave to manufacture an elaborate theological system, they invited all to seek the truth for themselves. They held, with Jeremy Taylor, that "theology is rather a "Divine life than a Divine knowledge." They agreed with the great Augustine, that "Divine truth must be incorpo- "rated into the life and affections, before we can attain to a "true intellectual knowledge of it." Although they would not preach, and pray, and worship, according to a form prescribed by act of parliament; yet they endeavoured to perform these great duties "in spirit and in truth." Although they may have rejected the Athanasian creed; yet they reverently believed the solemn truths which it professed dogmatically to define. If they refused their "unfeigned "assent and consent" to the "Thirty-nine Articles," they appealed to the New Testament as the only authorized standard to test the doctrines they taught. If they denounced avaricious priests as hirelings, and rejected worldly bishops as false shepherds, it was but to exalt still higher the only High Priest of their profession—the true Shepherd and Bishop of souls, whom they followed and loved. They denied the right of any human authority to bind the conscience, "that monarchy in man, made by the "edict of creation free;" but they advocated a cheerful submission to the authority of Government in matters of temporal duty. They maintained that none should exercise dominion over the minds of men—therefore, they denounced all priestcraft; the essence of which, in all ages,

has been to endeavour to establish a tyranny there. Time and experience have afforded ample proof of the wisdom of their conduct in these respects; and the members of our religious Society have been happily preserved from many evils to which those around us have been exposed. In many cases where such formulas exist we see men obliged to recognise as true, that which they cannot believe; to subscribe to a mixture of truth and error, and in order in some degree to satisfy the reproaches of conscience, to explain away words of obvious meaning in "a non-natural sense." Nevertheless, a continued watchfulness is required on our part, that we do not in any degree restrict that liberty we have so long enjoyed; for there appears to be a natural tendency inherent, in a greater or lesser degree, in the minds of all men, to seek to impose upon others opinions and practices which they themselves believe to be true and right.

Now if our early Friends acted with enlightened wisdom in not requiring from their fellow professors a subscription to the doctrines and principles which they believed to be true, is it not equally necessary that we should be careful not to require from our brethren in the same faith, a uniformity of practice in matters which are only deductions drawn from them? *Is there not some danger that Christian liberty may be infringed on, by the church imposing on its members some practices as testimonies, which it might be safer to leave to each one to adopt or reject, as may appear right to his individual religious conviction?* It does not *necessarily* follow that each member of the body, whilst agreeing in doctrines and principles with his brethren, should feel himself called upon to adopt the same practices or testimonies, as being necessary deductions from them. Because a testimony may be, and doubtless often is, an inference perceived, rather than a logical sequence from a principle—a practice which an

individual mind deduces as a duty, and not a universal and necessary law equally binding on all. Do not the biographies of many of the worthies once eminent amongst us, afford ample proof of this? I believe there is need for the exercise of watchful care in such matters, that we do not allow the spirit of priestcraft to get in amongst us—that spirit which would substitute submission to authority, and uniformity of practice in things in themselves unimportant, in lieu of acting from a sense of individual responsibility, and of walking in obedience to the convictions of conscience. Is there not some danger of our looking too much to outward conformity, as an indication of the religious condition of our members, rather than to the growth of the Christian life within? To the thoughtful consideration of my brethren I commit this subject; for it may not only apply to the question raised in my letter, but possibly to other matters of equal, if not of greater importance.* I hope, however, it will not be supposed, from the foregoing sentiments, that I advocate an unbounded latitudinarianism in matters either of faith or practice. I believe a distinct religious community cannot long exist unless its members be united in one common faith, from whence proceeds a series of harmonious practices.

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* A judicious author, in writing respecting the intolerant views so generally held at the period of the rise of our early Friends, has well observed, "Religious "conformity was another of the erroneous ideas of these times, it was a relict of "the old Popish leaven, which the mind was not then prepared to shake off. It "is not a uniformity in practices and outward observances that can constitute the "one Catholic Church, but the inward and spiritual acquiescence to the gospel "doctrines. Acts of conformity, and all similar unjust laws, may punish the "bodies and waste the estates of men, but can never convince their minds. Man "revolts against the oppressions of superstition, the exactions of ecclesiastical "tyranny, but never against religion itself. Religious conformity, enforced by "penalties, is an oppression of conscience; and bigotry, striving to controul the "mind by the terrors of the law, instead of convincing arguments, commits the "same error."—*Popular Life of Geo. Fox, by J. Marsh*, p. 15.

The question which I originally endeavored to investigate appears to me to be simply *a question of fact. Is there a distinct difference in nature and principle between tithes and ecclesiastical rent-charges?* The question is not as regards the *application,* but the *nature.* For if it can be shown that rent-charge is a payment made for something that is given in return, for something that is had in exchange —then I do not see that we have anything to do with the *application.* If it be a duty to investigate into the application of money paid for anything we receive in exchange, we shall be involved in endless difficulty. If this principle be admitted, we should be bound to enquire into the moral right of possession before we purchase; and into the use made of any money we pay! Now, it seems clear there was nothing given in exchange for tithes, it was simply an ad valorem tax on the produce of the land—a levy made without a return—a contribution from the cultivator, varying in amount with the results of his industry and success—a portion of the fruit of his increase; and because it was such, we refused—and I think justly refused—to pay that tax, its application being for a purpose to which our religious convictions were opposed. Anthony Pearson's "Great "Case of Tithes," may be said to rest on this position: therefore it is that so large a portion of his work is taken up with proving—and proving beyond all dispute—that from the nature of tithes, they could not be a "property," "true and legal," "distinct and separate," "severed" from that which belonged to the cultivator of the soil: and he deliberately laid down the position, that if they were, "all "scruples of conscience were answered," that they belonged to another, and "as a debt they ought to be truly paid to "the proprietor:" and it is to illustrate this position that he points out the difference between tithes and rent-charge; plainly showing, as I think will appear to any person who carefully reads his treatise, that he would without any

scruple of conscience have paid any rent-charge, whatever its application, as "a charge upon the land"—as a just debt.

I incline to think that many amongst us have been so accustomed to regard rent-charge in its application, that they have made but little inquiry into its nature: yet what *it is*, is all important in the present question. A rent-charge is a rent or annual income granted out of land; it may be created by deed, by will, or by act of parliament: in fact it is a part of the rent or natural letting market value of the land, made over to another; *not an addition* to that value. Any landlord or owner of land, may, if he be not otherwise limited, create a rent-charge, or any number of rent-charges; that is to say, he may make over any portion of his rents to whomsoever he pleases. If my landlord think fit to create by deed a rent-charge, or to make over a portion of the rent due out of the land I hold from him; am I not still bound to pay it? Is it any part of my duty to enquire into the *application* of such rent-charge? What matters it to me, what use he or others may make of the rent I pay? If he assign over to the rector of the parish a portion of the rent payable by me to him, and another portion to the parish priest; am I to refuse to pay them, and only pay him his reserved portion? What is it to me to whom I pay my rent, the total of all my payments being the rent due from me to him? If he make over the *entire* rent to "the church," am I not still bound to pay, and if so, why not any of its parts? But I may be told that in this case, I have formally contracted, and am therefore bound to pay the whole of my rent; then what becomes of the alleged duty of enquiring into the application in other cases? Under all circumstances, it will, I believe, be found, that whether a rent-charge be created by act of parliament, by deed, or in any other manner, it is still *only a part of the natural rent of the land, and therefore a payment made for a consideration given.*

Now that ecclesiastical rent-charge, created by act of parliament,* comes within this position, will, I think, be evident from a single illustration. I know a Friend who some years since bought a property under the Incumbered Estates Court, subject to a head rent of £20 per annum to the owner of the fee, and about £10 per annum to the rector of the parish. He thus bought the property subject to about £30 a year for ever, and gave say £600, or twenty years purchase, less for it than he would willingly have given had it been free from these annual charges. Is he not bound as an honest man to pay the £10 per annum as well as the £20? Surely it neither is, nor never was his. And will any one say it would be right for him to refuse to pay the £20 a year, if the landlord made over that sum also to the successive rectors of the parish by a deed of rent-charge? But I may be told that the covenant to pay is in the deed of conveyance; may he therefore continue to pay the £20 per annum though it has become an ecclesiastical rent-charge? Is he not bound to look to *the application?* If not in this, why in any case in which a consideration is given? The £10 a year is not in the deed, but did not he incur a moral obligation to pay it, knowing the land was put up and sold subject to it, and having bought his property for less than he would otherwise have given for it, by a sum equal to such annual charge capitalized? I repeat surely this £10 per annum is not his. Is he not "a dishonest man" if he does not freely pay instead of waiting to be compelled? And if the rector did not enforce payment, could this Friend with any propriety retain the money?

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* I am aware that by this act, rent-charge may vary somewhat from year to year in amount, according to the average price of corn, but this does not alter *the principle* of the charge, it makes it to partake only of the character of a *corn rent.* Nevertheless, so satisfactory has the working of the act been found, both to payers and receivers, that I am not aware of any instance having occurred of a change being made in the original amount fixed eighteen years since.

Now is not such a case as this sufficient to show that rent-charge is wholly different in *nature and principle* from tithes, and that it is simply a matter of rent? Lastly, would not A. Pearson and our early Friends, on the principle laid down in his "Great Case of Tithes," have considered this £10 per annum "a separate property"—"a just debt," which "ought to be truly paid to the proprietor"?

In conclusion, I have only to express an earnest hope that, in thus freely making known my views to my friends, I have not expressed a single sentiment, nor made use of a single word, that could in any manner give offence to or wound the feelings of any. It has been my watchful care to avoid it. May we all have but the one object in view—the increase of the ever blessed truth amongst us. If we keep to this, though we may not at all times see alike in everything, yet I trust we shall be preserved in "the unity "of the Spirit, and in the bond of peace."